

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Edward Charles McDonald,

Civil No. 09-908 (JNE/FLN)

Plaintiff,

v.

ORDER

City of Saint Paul, and
Mayor Christopher B. Coleman,

Defendants.

Michael A. Fondungallah for Plaintiff.
Louise Toscano Seeba for Defendants.

THIS MATTER came before the undersigned United States Magistrate Judge on January 11, 2010, on Plaintiff's Motion to Compel Depositions [#14].

Based upon all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel Depositions [#14] is **DENIED without prejudice**. This Court concludes that Mayor Christopher B. Coleman, Council President Kathy Lantry and Council Member Melvin Carter are protected from deposition by qualified immunity, absent a showing of specific need for their depositions. In order to make a showing of specific need, Plaintiff must demonstrate that the information sought from each individual's deposition cannot be obtained through other discovery methods. *See Stone's Auto Mart, Inc. v. City of St. Paul*, 721 F. Supp. 206 (D. Minn. 1989); *Bituminous Materials, Inc. v. Rice County*, 126 F.3d 1068 (8th Cir. 1997); *Sweeney v. Bond*, 669 F.2d 542 (8th Cir. 1982).

DATED: January 26, 2010

s/ Franklin L. Noel

FRANKLIN L. NOEL

United States Magistrate Judge